

MAIL STOP AF  
PATENT  
2537-1006

**IN THE U.S. PATENT AND TRADEMARK OFFICE**

In re application of

Roberto AMADUZZI

Conf. 7539

Application No. 10/671,765

Group 3752

Filed September 29, 2003

Examiner C. Kim

AN ACTIVATING MECHANISM FOR AN INTERCEPT VALVE  
FOR A SPRAY GUN USED IN WATER CLEANER APPARATUS

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

December 12, 2005

Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

A Notice of Appeal is filed herewith.

The review is requested for the reasons advanced on the attached sheets.

Respectfully submitted,

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**REASONS IN SUPPORT OF REQUEST FOR REVIEW**

A pre-appeal brief review is respectfully requested because the rejections of independent claims 8 and 9 include at least a clear factual error, or in the alternative, a clear legal error, as explained below.

Applicant requests review of the final rejection of claims 3, 5, 8, and 9 as anticipated by each of TAKAGI (5,979,800) and BECKER et al. (4,005,824).

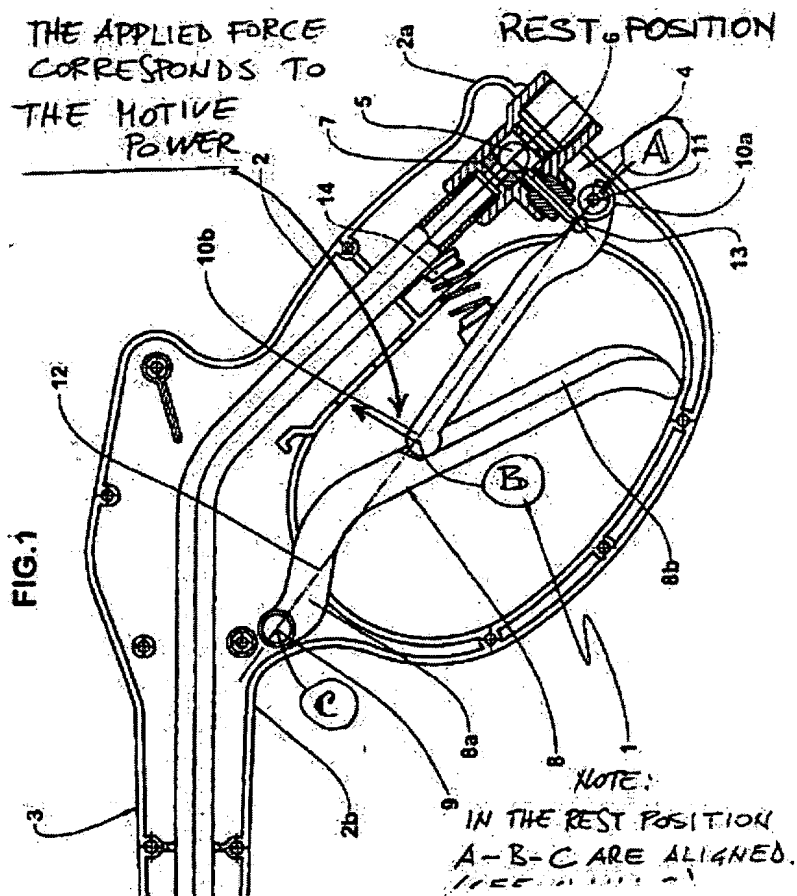
Neither reference discloses the features recited in the wherein clause of independent claims 8 and 9, e.g., claim 9 recites: "wherein the activating lever has a length which places the second end portion in contact with the control lever along an axis passing through the pivot of the control lever and the hinging pivot of the activating lever when the spray gun is in a first rest position".

Since neither reference discloses the features of the invention that are recited in the wherein clause, there are both:

i) a clear factual error as the references fail to disclose that for which they are offered, and

ii) a clear legal error as to anticipation as there can be no anticipation absent disclosure of each recited feature of the invention.

See annotated application Figure 1 which shows "a longitudinal section of the handle grip ... exhibiting an activating mechanism ... arranged in a first rest position" (specification page 3, lines 6-9):

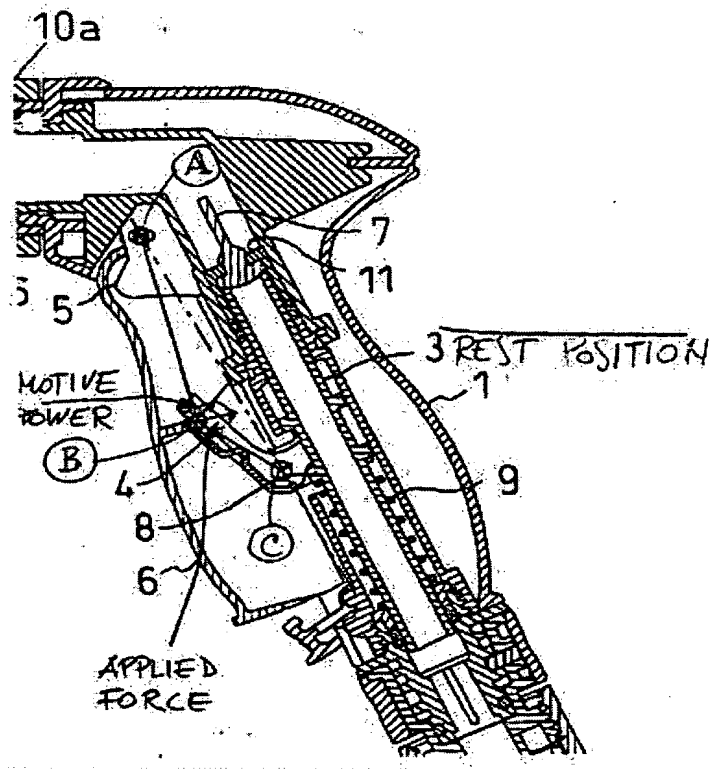


The recitation is "wherein the activating lever has a length which places the second end portion in contact (B) with the control lever along an axis passing through the pivot of the control lever (A) and the hinging pivot of the activating lever (C) when the spray gun is in a first rest position". See the axis (line) drawn

passing through (A) and (C), and that (B) is in contact with the control lever along that axis.

Consider first Figure 1 of TAKAGI, reproduced below:

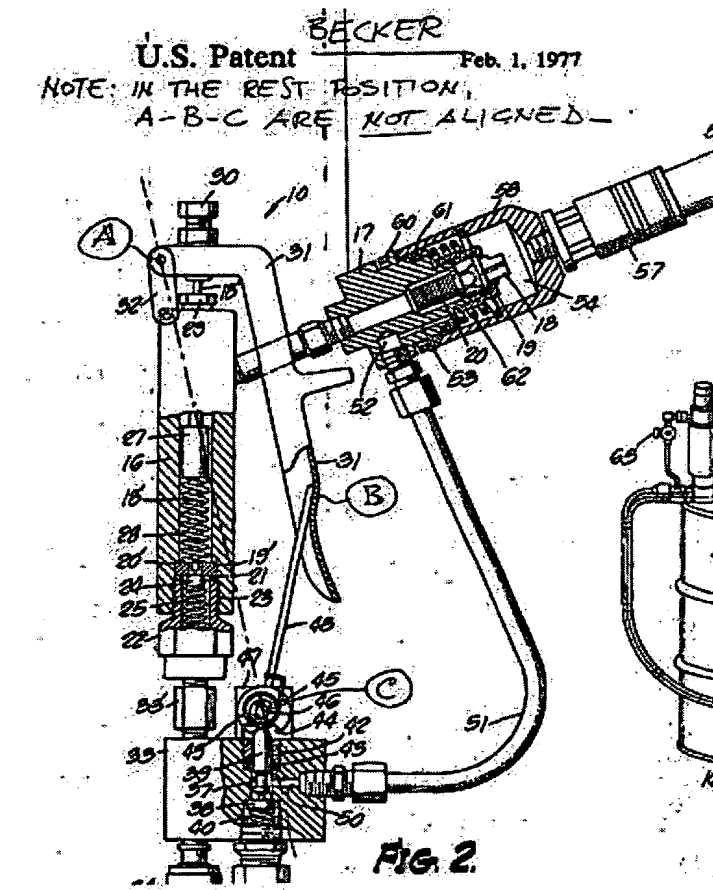
NOTE: IN THE REST POSITION, A-B-C ARE NOT  
ALIGNED.



As is clear from TAKAGI Figure 1, "wherein the activating lever has a length which places the second end portion in contact (B) with the control lever **BUT NOT** along an axis passing through the pivot of the control lever (A) and the hinging pivot of the activating lever (C) when the spray gun is in a first rest position. See the axis line drawn passing through (A) and (C), and

that (B) is **not in contact with the control lever along that axis** in that A-B-C are not aligned.

Consider next Figure 2 of BECKER, reproduced below:



As is clear from BECKER Figure 2, "wherein the activating lever has a length which places the second end portion in contact (B) with the control lever **BUT NOT** along an axis passing through the pivot of the control lever (A) and the hinging pivot of the activating lever (C) when the spray gun is in a first rest position. See the axis line drawn passing through (A) and (C), and

that (B) is **not in contact with the control lever along that axis** in that A-B-C are not aligned.

Conclusion

Since neither reference discloses the features of the invention that are recited in the wherein clause, i.e., "wherein the activating lever has a length which places the second end portion in contact **(B)** with the control lever along an axis passing through the pivot of the control lever **(A)** and the hinging pivot of the activating lever **(C)** when the spray gun is in a first rest position" there are both:

i) a clear factual error as the references fail to disclose that for which they are offered, and

ii) a clear legal error as to anticipation as each recited feature of the invention is not present in either reference.

Accordingly, the rejections of claims 8 and 9 include both a clear factual error and a clear legal error. In view of this, the anticipation rejections of record cannot be sustained and must be reversed; such is respectfully requested.